

Commission's Secretary, Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Suite TW-A325  
Washington, DC 20554

Regarding: EB Docket No. 06-36

Annual 64.2009(e) CPNI Certification for 2012 covering the prior calendar year 2011

Date filed: February 15, 2012

Name of company covered by this certification:

NetSpan Corporation dba Foremost Telecommunications and affiliates

Form 499 Filer ID: 824310

Name of signatory: Lawrence L. Halcomb

Title of signatory: President

I, Lawrence L. Halcomb, certify that I am an officer of the company named above, and acting as an agent of the company, I am certifying that I have personal knowledge that the company has established policies operating procedures that are adequate to ensure compliance with the Commission's CPNI rules.

Attached to this certification is an accompanying statement explaining how the company's policies and operating procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken actions (*i.e.*, proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission) against data brokers in the past year.

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

The company represents and warrants that the above certification is consistent with 47.C.F.R. §1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed



**Attachments:** Accompanying Statement

## **POLICIES AND OPERATING PROCEDURES USED TO ENSURE COMPLIANCE WITH FCC RULES CONCERNING CPNI**

1. NetSpan Corporation dba Foremost Telecommunications ("Foremost") as a matter of policy does not make available to any third party Customer Proprietary Network Information ("CPNI") except as necessary to provide service and comply with applicable interconnection agreements, intercarrier requirements, and as routinely disclosed at the signaling layer.
2. Since CPNI is not made available to third parties except as necessary to provide service, Foremost is not required to allow the Customer to opt out of the use of their CPNI by third parties. Any changes to this policy will require the adoption of a notice and opt-out mechanism and status reporting that complies with FCC rules.
3. CPNI is used by Foremost internally as needed for the provisioning, billing, and maintenance of the services provided. CPNI is also used internally for directed sales efforts for service offerings among the categories of service to which the customer already subscribes (e.g. contract renewals), but this information is only provided to Foremost sales staff on a case by case basis and records are maintained of these efforts. Foremost sales staff does not have access to systems where CPNI is stored and maintained. CPNI is not currently used for general sales and marketing campaigns. Any changes to this policy will require proper record keeping as required by FCC rules.
4. All Foremost staff has been informed that CPNI may only be used for allowed purposes (as narrowly defined herein) and are aware that the unauthorized use of CPNI will be grounds for dismissal. All personnel are required to view training documents defining CPNI, appropriate procedures to ensure compliance and steps that will be taken for failure to comply with CPNI rules. A waiver must be signed by new personnel and renewed annually.
5. CPNI is protected from unauthorized access and use. Systems that are used to store and maintain CPNI are firewalled from the public internet and data is protected at the network level using VPN technology. Only information associated with individual login sessions is stored on workstations and all data repositories are centralized on servers. Data is segregated at the server level (e.g., staff that do not have access to CPNI do not have accounts on servers where CPNI is stored). Backups are encrypted with password protection. Login credentials are controlled and are changed periodically. Hardcopy is not produced except in a directed manner (e.g. for a particular customer for an authorized use). Hardcopy produced for temporary use (e.g., installation and maintenance activities) is destroyed after use.
6. Supervisory review at the highest level exists to ensure the foregoing policies and procedures are followed.
7. Foremost does not use, disclose or permit access to CPNI to identify or track customers that call competing service providers.